2;Evans-Pritchard E-S (1931, 1936) 1951
FJ22 Nuer FJ22

child creates between affines; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the age-set. 582

It will be noted that the wide range of Nuer marriage prohibitions has a certain correspondence with the kinship configuration of their local communities described in the last chapter. The balance there observed between the paternal side and the maternal side in the notion of *mar*, kinship, and its reflection in residential attachments is seen again in the conventions governing marriage. The assimilation of affinal to kinship ties, noted as significant in the local network of relationships, is also a significant feature of these conventions. The rules taken as a whole amount to this: a man must not marry kin (including affines), and as he is born and brought up in a circle of kin which normally embraces the people of his immediate neighbourhood, he is generally compelled to marry outside it. He is also compelled to look for sweethearts outside it; and I think that this is one reason why Nuer youths like to stay in the villages and camps of maternal and affinal relatives where they have greater freedom in sexual matters.

Nevertheless, however extensive the prohibitions may be, there must always be a point in each category of them at which a marriage can just be allowed or is just disallowed. In these borderline cases there is some latitude in interpretation of the prohibitions. Cases arise in which there is disagreement whether the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. It sometimes happens also that a girl's family raise an objection on the score of relationship that they would not have raised had they been better disposed towards the marriage. Indeed, this is a common way of telling a suitor politely that his suit is unwelcome—even when, in fact, there is no relationship which could be seriously urged against the union. It also happens that a distant relationship, which might have been adduced as a bar to marriage, is passed over by a girl's family if they consider the suitor a desirable son-in-law. I have been present at marriage negotiations when a kinsman, who was not satisfied with his share of the bridewealth, raised the objection of kinship, and later, when satisfied, waived it; and at another marriage when one kinsman of the bride urged that the union would be incestuous, while the other kinsmen held that it would not be so. When marriage is permitted in borderline cases of this kind a beast will generally be sacrificed to cut what 584

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

584 kinship there may be held still to be between the partners to the union. This is done because it is feared that otherwise the marriage may not be fruitful.

In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same local community.

Exceptions to the general principles governing marriage prohibitions do not invalidate them, for the rules are acknowledged even in the breach of them. Thus I have known of a peculiar marriage into the clan in which, on the day of the wedding, tribute was paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.*

The prohibitions of marriage I have related apply also to concubinary unions. The *concubinus* and *concubina* ought not to be related in any of the ways I have mentioned, though here there seems to be greater laxity than in matrimonial unions. Concubinage is entered into on the initiative of the partners to the union and without the public discussion matrimony entails, so that distant, but nevertheless valid, kinship may escape notice. My reason for believing that this is so is that I came across several cases where the death of the children born in concubinage led to a fuller investigation which revealed relationship, of which the partners were ignorant, and consequently to the dissolution of their partnership.

II

835 It is not incestuous for a man to have relations with daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also

* The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his pater's sister's son; a man of the Gaatgankir clan. The wife's pater was a woman of the Gaatnaca clan (of a different lineage). She had married a wife to raise up children to herself by an unrelated man. The marriage could not have taken place had the wife's pater been a man. As it was, it was subjected to criticism. The reader will understand these peculiar circumstances better after he has read Chapter III.

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

836 883 Therefore, if a youth takes a girl away from a dance to his *dep* and sits with her among his friends and other girls until he finds an opportunity to get her to himself he will not be molested, because her brother has seen her leave the dance in company, and by the time she is intimate with her lover he will be doing the same himself. But if a man is indiscreet enough to take her off by herself as soon as the dance is breaking up he is asking for trouble, though the brother may not say anything if the youth is a friend of his whom he knows to have cattle and serious intentions towards his sister. If the young man is a casual lover he may tap him on the shoulder with the butt of his spear, when he will run away; or even fight him. However, there need be no trouble if the conventions are observed.

Courtship seems to be freest among the Eastern Jikany. There love affairs are carried on more or less openly, and a youth need not fear the girl's brother so long as they are on friendly terms and he is discreet. The girls of this area are, however, said to be less free with their favours than those of the Lou tribe. They are exacting in their demands for fine speeches, but will not allow intimacy unless they are sure that pregnancy will be followed by marriage. The Lou girls are said to be easier and their brothers more difficult. To the west of the Nile, at any rate in some parts, it is said that a girl's brother has the right to take a male calf and a cow calf if he catches a man having relations with his sister, but this penalty seems only to be exacted when it is believed that pregnancy has ensued, and I was told that if the beasts have been seized they will be returned should it be found that she had not conceived. If she is pregnant, they will be kept pending marriage negotiations.

584 A youth may have several sweethearts in different villages and a girl several lovers in different villages. At this time of his life a young man models himself on the accepted pattern of what a young man should be to win the approbation of his sweethearts and the regard of girls generally. He likes to know that they are looking at him and saying about him, when they chat together and share their secrets, that he is a *wut pany*, a real man. He pays great attention to his appearance and takes every opportunity to excel in feats of endurance and courage. It is for the benefit of the girls that he leaps behind his oxen in dry-season camps, 'when the people have met together', and chants poems. When asked whether

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would he chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come.

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls.

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society.

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances.

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

582 One reason why this sometimes happens is that a man's sweethearts are frequently of his own age and Nuer usually marry girls younger than themselves. The prohibition on marriage to the daughter of a father's age-mate also influences a man's choice of a wife. Nevertheless, it is probably more usual for a man to choose [581] one of his sweethearts. Marriage is the purpose implicit in every romance.

584 Sometimes a girl herself makes a proposal of marriage. She goes with some companions of her sex to the kraal of her favourite and drives away several of his father's cows to her home. Her father knows what she wants when he sees her returning with the cows, and if he disapproves of the youth he will send them back. If he likes the young man he says nothing, and when several days have passed and the cattle have not been returned, the young man knows that the girl's people are willing to discuss the matter. A father does not care to refuse his daughter when she is very much in love with a man, even when he is not rich, in case she runs away from home or hangs herself. Another way in which a girl can make a public proposal of marriage is a custom of early dry-season camps. Youths of a camp take their favourite oxen to parade them, led by their younger brothers, round a neighbouring camp, while they chant poems behind them and make graceful leaps into the air (*rau*). A girl who loves a youth may on such an occasion seize his ox and remove its lead. By so doing she pledges the youths to return to a harp-dance on another day. She keeps the cord and attaches a metal ring to it. Its owner later sends a small brother to fetch it. This is tantamount to a proposal and acceptance of marriage, and if the young man has enough cattle the betrothal ceremony takes place soon afterwards.

831 581 The facts outlined in this section lead to two conclusions: that there is wide sexual freedom before marriage, and that sex life is from the beginning stamped by cultural interests. Apart from rules of incest, adultery, and good form, there are no checks placed on the expression of sex from its earliest manifestations. Nevertheless, even at the outset the compass is set towards marriage and children. Simulated coitus between children is part of a game of domestic and marital relationships. After initiation, young men make love to girls as much as they can, but though there is much casual intercourse it is considered rather gross, and the aim of both youths and girls is to form attachments of the lover-sweetheart

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is understood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen that there are always, besides prolonged discussions about bridewealth, sacrifices and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

584 and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

Generally, as we have seen, there has long been an understanding between the youth and the girl he wishes to marry and she has been his sweetheart, though sometimes a youth decks himself as a bridegroom and in the company of another youth, arrayed in the ornaments of a best man, tours the country-side in search of a bride. In either case, the youth does not ask for the hand of the girl without her consent. He and his friends must then ask her family and they consult their kinsfolk. They know what is going on long before they are formally asked for her hand, so when a girl tells her menfolk in the byre that there are guests outside who wish to speak to them, the men know what they have come for. The suitor and his friends enter the byre and seat themselves to the right, the girl's people being seated to the left. They say that the girl has accepted them and ask whether the elders will accept them also. The elders ask them what cattle they have. This is the *riet ghok*, the cattle talk. The best man answers for the suitor, who, to create a good impression, says as little as possible. Both wear skins to cover their genitals before possible future parents-in-law. The bridegroom's best man and two other friends accompany him through all the trials of marriage and take full advantage of the opportunities for love-making and courtship. The girl's people accept the suit in a preliminary way and the youths depart to eat at a neighbouring homestead, since the suitor cannot eat in the home of the bride even at this stage.

There will later be other and more formal and definite discussions about the cattle in the byre of the father of the girl. The suitor has in the meanwhile been able to consult his own family and kinsmen, and when he returns with his friends for further talks the cattle are more precisely specified and ear-marked for particular claimants. The girl's people are satisfied. They say that the marriage is finished and tell the bridegroom, as he can now properly be called, and his friends to bring the *ghok lipa*, the cattle of betrothal, on a certain day. The discussions are still in an early stage, and by 'finished' they mean only that they are pre-

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

pared to continue negotiations on the basis of the demands already 584
met and to hold the betrothal ceremony. Before the visitors rise to go various men who can claim distant cognatic kinship with the bride, too distant for them to receive assigned portions of the bridewealth, may ask for gifts, ranging from a 'cow' (which means a sheep or goat) to a spear. Some of their demands are at once satisfied, the spears being handed over there and then, while others are met with promises or evasions.

A betrothal ceremony is not necessary. It is possible to proceed at once to the full wedding ceremony, and this is sometimes done when the bridegroom is a rich man with plenty of cattle and the bride is a *jut*, a girl who has passed the usual age of marriage. Usually the betrothal ceremony is held in the rainy season and the wedding in the following windy season. If there is a longer interval it is generally due to the immaturity of the bride. A poor suitor may pay two or three cows to a man who is short of stock at the time in order to obtain a lien on his small daughter while he collects adequate bridewealth to marry her later. Were the suitor a richer man he would seek a bride among older maidens, and were the father a richer man he would not feel the need to betroth his daughter at so early an age. A nubile maiden would not be betrothed for several years to a poor man. Her brothers would not brook the delay, for they themselves want to marry with the cattle of her bridewealth. Moreover, she would almost certainly become pregnant by some lover.

The holding of the betrothal ceremony means that the marriage is provisionally agreed upon by both sides, and the transfer to the bride's family of the cattle of the betrothal, three or four to ten head, is a further acknowledgement of this understanding. Before the ceremony takes place it has been agreed upon in general terms how many cattle should eventually be handed over. The ceremony is held in the bride's home. When the morning work of the kraal is finished the bridegroom and his party drive before them the cattle of the betrothal, led by a fine ox, the pride of the herd, its horns decorated with tassels, for the bride's brother. They advance on the bride's village in war formation and continue their marital exercises in her father's kraal, chanting their war songs before the huts and byres, especially before the hut of the bride's mother, who must be shown particular respect. The bridegroom's girl relatives and friends arrive about the same time as the men and

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

584 they also dance in the kraal. The youths of the bride's village then form their *dep*, village fighting formation, and start their own exercises and the girls of the village their dancing. Then the drums are brought out and general dancing begins. Towards sunset the betrothal cattle, which were left outside the village to graze, are brought into the kraal and tethered. Dancing, duelling, singing, and love-making between the youths and maidens continue well into the night, and all pay special attention to the bridegroom, resplendent with his ivory armlets and his tight-fitting armlet of brass rings, and distinguished also by the wedding stick in his hand. Before midnight the father of the bride leads forth an ox which, with a ceremonial rubbing of ashes on its back, is dedicated to the lineage ghosts and spirits in a long address by the *gwan buthni*, a man of a collateral lineage who acts for his family on ceremonial occasions as master of ceremonies. He tells the spirits to take their ox and let the people be at peace. His address is followed by shorter speeches by old men of the bride's kin and perhaps by her father, all first rubbing ashes on the beast's back. The *jicoa*, the bridegroom's people, take no part in these proceedings, but the flesh of the sacrifice is, with the exception of head, neck, and some of the entrails, their right, and if the ox is not to their liking they insist on a bigger one being sacrificed or, which amounts to the same thing from their point of view, being slaughtered for their dinner. When the addresses are finished the master of ceremonies of the bride's lineage, or her father or another of her senior kinsmen, stabs the ox to the heart with a single thrust. It stands for a moment and falls to the ground, those present watching to see if it falls cleanly. The bridegroom's people, often directed by the bridegroom, though he may not himself eat in the home of his future father-in-law, amid much shouting and chaffing, divide the meat among themselves, each kinsman receiving his customary due. The ribs and part of the back are taken next day by the visiting girls to their parents and elders in the bridegroom's village and the rest is eaten on the spot. The girls of the bride's village who, like its menfolk, receive little or none of the meat, are up half the night cooking porridge, preparing beer, and boiling the meat for their guests, for the girls of the bridegroom's party are too busy flirting with the youths to assist them.

In the morning there is more dancing and beer is served to the guests before they depart. Shortly before they go, the bridegroom,

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

584

if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco.

The wedding takes place some weeks later, and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre, and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his bride's home in the company of his best man and other friends, and on these occasions he may try to have relations with her, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage, and his only hope is to get his best man to persuade his bride to visit him in the gardens.

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

585

Arrangements are made to hold the wedding on a certain day. In the homestead of the bride the reception, especially the beer, is

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

NUER MARRIAGE CEREMONIES[1]

E. E. EVANS-PRITCHARD

MARRIAGE among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them, and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is undertsood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

Some General Features of the Ceremonies

The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, young men thinking nothing of walking over ten miles to take part in the dancing, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and

[1] This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published. *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*); and 'Nuer Bridewealth', *Africa*, vol. xvi, no. 4, 1946. The oecological and political background is given in *The Nuer*, Clarendon Press, 1940.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

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flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen from this paper that there are always, besides prolonged discussions about bridewealth, sacrifices, and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and very often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

An essential rite in the marriage ceremonies is the sacrifice of a beast to the ghosts and spirits by which they are made cognizant, and witnesses, of the union in an address delivered to them before the beast is slain. This part of the rite concerns only the close kin of the bride or bridegroom and the address is sometimes spoken in so low a tone that it is almost inaudible amid the general clamour. People chat and shout to each other about affairs which have no connexion with the marriage, or interpolate comments into the address, a long rambling speech which may refer to almost anything which interests the speaker so long as he mentions the object of the rite and puts into it now and again some traditional phrases. The young people are dancing, the women engaged in household tasks, and it is the older men, mostly kinsmen of the bride and bridegroom, who gather round to watch the sacrifice, which to them is just one of the phases of the ceremony, like the bridewealth talks and the beer-drinking, and does not entail any special attitude on their part. The sacrifice also is often a great confusion, everyone shouting advice and instructions to everyone else and arguing good-humouredly about the division of the meat. The specifically religious part of a ceremony seems to be lost amid all the talk and movement, but it is none the less the core of the ceremony, what occasions it and gives it meaning.

Even the kinsmen of the bride or bridegroom, as the case may be, attend the sacrifice largely because it is the prelude to a division of meat, for though the ox is dedicated to the ghosts and spirits, its material destiny is to be eaten by the kin of one partner to the marriage, who, being guests, have to be provided with meat by the kin of the other partner. The people who sacrifice the beast, usually an ox, eat very little of it. They are interested in the religious part of the rite since it is their ancestors and spirits to whom the beast is dedicated. The visitors are not concerned with the ghosts and spirits of the other party but are interested in the meat which is their due, to each kinsman his customary portion. A sacrifice is thus a distribution of gifts of meat by the kin of one of the spouses to the kin of the other.

One notices the same lack of formality in the order of the rites, and the sequence of their parts, as in the performance of them. The place of each movement is determined only by the logic of necessity. An ox has to be pegged before it can be speared and it has to be skinned before it can be cut up and cooked. Otherwise there is merely a usual time for acts to be done, though it would not matter if they were done at a different time or in a different order. For example, it is usual to sacrifice an ox at the betrothal ceremony towards the end of the evening dance, but it can equally well be done on the following morning. Nuer ritual procedure is generally happy-go-lucky.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

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The Preliminaries

Generally, there has long been an understanding between the youth and the girl he wishes to marry and she has been his sweetheart (*lum*), though sometimes a youth decks himself as a bridegroom, and in the company of another youth, arrayed in the ornaments of a best man, tours the countryside in search of a bride. In either case, the youth will not ask for the hand of the girl without her consent.[1] A maiden consents to marry a youth only if he has cattle. He and his friends must then ask her family and they will consult their kinsfolk. So long as there is no kinship bar to the marriage and the youth has both cattle and a good reputation they are not likely to reject his suit. They know what is going on long before they are formally asked for her hand, so when a girl tells her menfolk in the byre that there are guests outside who wish to speak to them, the men know what they have come for. The suitor and his friends enter the byre and seat themselves to the right, the girl's people being seated to the left. They say that the girl has accepted them and ask whether the elders will accept them also. The elders ask them what cattle they have. This is the *riet ghok*, the cattle talk. The best man answers for the suitor, who, to create a good impression, says as little as possible. Both wear skins to cover their genitals before possible future parents-in-law. The bridegroom's best man and two other friends accompany him through all the trials of marriage and take full advantage of the opportunities for love-making and courtship. The girl's people accept the suit in a preliminary way and the youths depart to eat at a neighbouring homestead, since they cannot eat in the home of the bride at this stage.

There will later be other and more formal and definite discussions about the cattle in the byre of the father of the girl. The suitor has in the meanwhile been able to consult his own family and kinsmen and when he returns with his friends for further talks the cattle are more precisely specified and ear-marked for particular claimants. The girl's people are satisfied. They say that the marriage is finished and tell the bridegroom, as he can now properly be called, and his friends to bring the *ghok lipa*, the cattle of betrothal, on a certain day. The discussions are still in an early stage and by 'finished' they mean only that they are prepared to continue negotiations on the basis of the demands already met and to hold the betrothal ceremony. Before the visitors rise to go, various men who can claim distant cognatic kinship with the bride, too distant for them to receive assigned portions of the bride-wealth, may ask for gifts, ranging from a 'cow' (which means a sheep or goat) to a spear. Some of their demands are at once satisfied, the spears being handed over there and then, while others are met with promises or evasions.

The Betrothal

A betrothal ceremony, *larcieng* or *bul luom*, is not necessary. It is possible to proceed at once to the full wedding ceremony, and this is sometimes done when the bridegroom is a rich man with plenty of cattle and the bride is a *jut*, a girl who has passed the usual age of marriage. Usually the betrothal ceremony is held in the rainy season and the wedding in the following windy season. If there is a longer interval it is

[1] It occasionally happens that a man marries a child to his small son. When he does so he puts a bracelet on her arm and later pays a few head of cattle. However, when the boy grows up he will try to win the girl by courting her. If he does not gain her favour he is unlikely to marry her.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

584 generally due to poverty. A poor suitor pays two or three cows to a man who is short of stock at the time in order to obtain a lien on his small daughter while he collects adequate bridewealth to marry her later. Were the suitor a richer man he would seek a bride among older maidens, and were the father a richer man he would not feel the need to betroth his daughter at so early an age. A nubile maiden would not be betrothed for several years to a poor man. Her brothers would not brook the delay, for they themselves want to marry with the cattle of her bridewealth. Moreover, she would almost certainly become pregnant by some lover.

The holding of the *larcieng* ceremony means that the marriage is provisionally agreed upon by both sides, and the transfer to the bride's family of the *ghok lipa* or *ghok luom*, the cattle of the betrothal, maybe three or four to ten head, is a further acknowledgement of this understanding. Before the ceremony takes place it has been agreed upon in general terms how many cattle should eventually be handed over. The ceremony is held in the bride's home. When the morning work of the kraal is finished the bridegroom and his party drive before them the cattle of the betrothal, led by a fine ox, the pride of the herd, its horns decorated with tassels, for the bride's brother. They advance on the bride's village in war formation and continue their martial exercises in her father's kraal, chanting their war songs before the huts and byres, especially before the hut of the bride's mother, who must be shown particular respect. The bridegroom's girl relatives and friends arrive about the same time as the men and they also dance in the kraal. The youths of the bride's village then form their *dep*, village fighting formation, and start their own exercises and the girls of the village their dancing. Then the drums are brought out and general dancing begins. Towards sunset the betrothal cattle, which were left outside the village to graze, are brought into the kraal and tethered. Dancing, duelling, singing, and love-making between the youths and maidens continue well into the night, and all pay special attention to the bridegroom, resplendent with his ivory armlets and a coil of brass twisted round his arm, and distinguished also by the *dang*, wedding stick, in his hand. Before midnight the father of the bride leads forth an ox which, with a ceremonial rubbing of ashes (*buk*) on its back, is dedicated to the lineage ghosts and spirits in a long address (*lam*) by the *gwan buthni*[1] of the lineage. He tells the spirits to take their ox and let the people be at peace. His address is followed by shorter speeches by old men of the bride's kindred and perhaps by her father, all first rubbing ashes on the beast's back. The *jiova*, the bridegroom's people, take no part in these proceedings, but the flesh of the sacrifice is, with the exception of head, neck, and some of the entrails, their right, and if the ox is not to their liking they insist on a bigger one being sacrificed or, which amounts to the same thing from their point of view, being slaughtered for their dinner. When the addresses are finished the *gwan buthni* of the bride's lineage, or her father or another of her senior kinsmen, stabs the ox—the *yang luom* as it is called—to the heart with a single thrust. It stands for a moment and falls to the ground, those present watching to see that it falls cleanly. The bridegroom's people, often directed by the bridegroom, though he may not himself eat in the home of his future father-in-law, amid much shouting and chaffing, divide the meat among themselves, each kinsman receiving his customary due. The ribs and part of the back are taken next day by the visiting girls to their parents and

[1] *Gwan buthni*: the man who performs the appropriate rituals on special occasions.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

elders in the bridegroom's village and the rest is eaten on the spot. The girls of the bride's village who, like its menfolk, receive little or none of the meat, are up half the night cooking porridge, preparing beer, and boiling the meat for their guests, for the girls of the bridegroom's party are too busy flirting with the youths to assist them. 584

In the morning there is more dancing and beer is served to the guests before they depart. Shortly before they go the bridegroom, if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco.

The wedding takes place some weeks later and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his wife's home in the company of his best man and other friends, and on these occasions he may try to cohabit with his wife, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage and his only hope is to get his best man to persuade his bride to visit him in the gardens.

The Wedding

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

Arrangements are made to hold the wedding on a certain day. In the homestead of the bride the reception, especially the beer, is being prepared, and in the homestead of the bridegroom there is much rejoicing, men and women chanting songs or poems into the night. They also chant on their way to the wedding and during its celebration. The main features of a wedding (*kwin*) are discussion about cattle in the morning and the invocation over the cattle of the bridewealth (*twoc ghok*), the wedding dance, and the wedding sacrifice, in the afternoon and evening. 585

Early in the morning the bridegroom's kin discuss the situation in his father's byre. They know what outstanding claims are likely to be advanced because they

582 602 him with a wife, or, indeed, to assist him in any way in a society which recognizes no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruaa*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compells further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

[p. 186 a.]

584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organizing personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organization is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer
684 she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle
593 on her back". This does not mean that it is payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

such is the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vested in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure is not even confined to actions in the courts. The negotiations which take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (*kur*) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

The sources of my information are therefore from the courts themselves; a close analysis of several thousands of actual cases. These were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

128 A general index is included, but for easy reference a detailed list of contents is given at the beginning.

128 For the sake of consistency I have, with few exceptions, followed
104 the orthography adopted by Professor Evans-Pritchard. The full range of phonetic symbols has not been used, but the Nilotic *ch* or *sh* sound is rendered as *c*—a common convention even in administrative documents—and *gh* stands for the phonetic ɣ. Other forms of spelling are taken from *A Nuer-English Dictionary*, by Fr. J. Kiggen. After initial explanation, I have often had to employ Nuer terms in later passages without further definition simply because such terms have a complicated meaning for which there is no succinct English translation. To assist the reader a glossary of these terms is included among the appendixes.

Note on Cattle Terminology

231 Nuer law is principally concerned with rights and claims in cattle,
104 and it will be as well, even at this early stage, to give some description of Nuer cattle terms. Cattle are referred to generally as *ghok*. The *ghok thunge*—the indemnity paid to a dead man's kin by his slayer—simply means the 'cattle of compensation', the *ghok gwande* are the 'father's cattle', i.e. the father's portion of bridewealth. A single cow is *yang*, though *yang* is often used indiscriminately to describe all sizes of female cattle. A heifer is specifically *nac*, a young female animal which has not yet calved, but may be expected to do so in the near future. A smaller female calf is *dou*. An entire bull is *tut*, the stud bull being referred to as *tut wec*, 'the bull of the herd'. An ox is *thak* if it is full-grown, all other bull-calves being *ruath*. Cattle obviously [435] have their relative value according to sex and size. A full-grown ox (*thak*) is often said to be worth a cow-calf (*dou*); a pregnant heifer (*nac me liac*) or a pregnant cow (*yang me liac*) is clearly worth more than a similar animal which is not in calf. A barren cow (*yang me but*) is useless except for meat or sacrifice but is often considered the equivalent of a medium size ox.

[584] Conventional claims or rights (*cuong*) are usually specified: for example, the *yang kwoth gwande*, 'the cow of the father's spirit', is one specific item included in the *ghok gwande*, the bride's father's portion of her bridewealth. This is a single animal. The *yang gwande*, another item in the father's portion, however, is usually a cow and its calf, though when referring to the claim, the calf may not be specifically mentioned. At the same time these terms may be subject to agreement between the two parties concerned and not to a strict legal interpretation. Thus, though he may point out that the *yang gwande* should consist of a cow and calf, a father may well be prepared to accept something less than this.

In giving judgement, a Nuer court will almost always specify the

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
>
> (*a*) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
>
> (*b*) The second result of the increase in blood-money is the reluctance of the chiefs to break *mar* which is a system by which relations exchange cattle

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

'Widow-Concubines'

The main points are as follows:

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband.

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs.

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband.

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalize their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children.

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she

[1] A widow living in this form of union with a man is known as *ciek ne lak* and her children as *gaat cuua*.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they please with lovers of their own choice and without either the sanction of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

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Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

582 684 835 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*rual*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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still be overcome by suitable sacrifice, but the implications are clearly more serious.[1]

Incestuous intercourse may sometimes be relevant to disputes which arise in the courts. Examples of this will be seen later.[2] I do not propose to digress further on the subject of exogamy and incest, because the laws of exogamy are not in themselves a subject for dispute. There is now adequate published literature on the subject,[3] of which I have no criticisms to make and little except detailed information to add.

4. THE SOCIAL AND RITUAL PROCESSES OF MARRIAGE

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The transfer of cattle as bridewealth does not in itself constitute marriage, although it is certainly the most significant aspect of marriage from the legal point of view. Nuer marriage is a protracted affair involving many negotiations and ceremonial meetings. Those social and ritual processes which are described here apply to the simplest form of legal marriage and the simplest situation therein possible. The same principles are involved in 'ghost-marriage', that is marriage by a living person on behalf of a dead relative, but in leviratic marriage and in what Professor Evans-Pritchard has classed as 'widow-concubinage' there is naturally no repetition of the ceremonies which were carried out by the widow's husband in his lifetime and naturally, too, no further payment of bridewealth. In other forms of union, which are not legal unions, no ceremonies similar to those of true marriage are possible.

The description which follows is applicable to a normal Nuer youth[4] who wishes to marry a normal Nuer girl and has sufficient cattle to do so, and in such cases, unless the union is prearranged by the parents, the youth has probably met his future bride at the dances

[1] Among some African tribes children born in incest would be destroyed. It is reported of the eastern Dinka that children born in such circumstances are sold to the Murle. There is, however, no published evidence to substantiate this statement. The idea of infanticide, except perhaps in the case of deformities, is, so far as I know, alien to Nuer ideas.

[2] See p. 164.

[3] Evans-Pritchard, *The Nuer*, Oxford, 1940, pp. 6, 27, 192, 202, 225–8, 235, 257; in *Social Structure: Essays presented to A. R. Radcliffe-Brown*, Oxford, 1949. Further information will be found in various articles by the same author: 'Nuer bridewealth', *Africa*, XVI, 4, 1946; 'Nuer Marriage Ceremonies', Ibid., XVIII, 1, 1948; 'Some aspects of Marriage and the family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945; and more recently in *Kinship and Marriage among the Nuer*, Oxford, 1951.

[4] Certain categories of persons who are considered abnormal, by reason of circumstances in their birth, have extra ritual to perform. Thus twins have to undergo special ceremonies; see Evans-Pritchard, 'Customs relating to Twins among the Nilotic Nuer', *Uganda Journal*, Vol. III, 3, 1935. Also a person whose father has been struck by lightning and killed.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

held by young people and has danced and 'flirted' with her for some time.[1]

Only the most important ritual and negotiations are recorded. Moreover it must be remembered that the form and order of ceremonial among primitive peoples usually vary considerably on each occasion, and no marriage ceremony is word for word, act for act, an exact repetition of another. Further, there may be local variations of custom.[2] It does not follow that all the ceremonies described below are necessarily performed in all Nuer marriages, nor that they are always performed with the same degree of ceremonial and publicity. Older men, especially men with many cattle, who already have other wives would think it unseemly to court a girl with the same intensity as would a younger Nuer, and they would not be expected to go through all the preliminaries.

Courting and Betrothal

When a Nuer youth has been accepted by a girl she will hasten to inform her family, provided she knows that her lover has sufficient cattle to legalize the union. It may be that her legal representatives in the family—that is, her more important male kinsmen—will ban the marriage from the start for some reason or other. Relations with the prospective bridegroom's family may already be strained, and they may have no desire to associate with it; there may even be blood between them (*teke riem kamdien*), or the memory of a blood feud. They may know at once that a marriage is precluded by the rules of exogamy. In such circumstances the girl will be discreetly told to avoid her lover in future. If, however, there is no objection she will be encouraged to continue and will receive their permission, though this is not made public. The first ceremony may then take place. This does not concern the older members of either family, and is confined to the prospective bride and bridegroom and their friends and coevals. It is in fact no more than a formal recognition among the younger people that the couple are courting, and it does not involve any legal negotiation. It is known in Nuer as *luom nyal*.

[1] Dances provide the best opportunity for flirtation and courting. In the normal pursuits of daily life the Nuer does not have much contact with girls except those who are related to him, and these he cannot marry. Dances, particularly big dances held in the rainy season, are usually attended by considerable numbers of people from different and unrelated lineages. These dances often lead to quarrels and violence and even bloodshed. Spirits are high, and for this reason tribal authorities (in the Zeraf tribes), representing the Government, sometimes attempt to ban dancing. This has not received the support of the Government, but it is worth noting that a ban on dancing would give the Nuer youth less chance to meet and flirt with a wide choice of girls which is undoubtedly a factor making for stability in marriage.

[2] My description of the ceremonial sometimes differs from the accounts given by Professor Evans-Pritchard. Where there is any great difference I have recorded it in a footnote, but it should be noted that his observations were made in Lou and Eastern Jikany, while mine are drawn from experiences among the Zeraf tribes and later among Western Nuer.

/ 8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Luom nyal: 'Courting the Girl'

The meeting is held at the home of some person who is related neither to the girl nor to the young man, often the home of the latter's best friend (*math*). A few friends of both parties are present, and among them is the prospective bridegroom's official spokesman, who is known as the *gwan twac* and performs the duties of a 'Best Man'. The girl also has a personal friend, a girl who is known as *ngi nyal*, and who takes her part in the ceremony, and leads the conversation and the friendly chaff which are characteristic of these occasions.[1] The meeting usually takes place at night, sometimes all night, inside a hut. No elderly people are present, and the time is spent in the exchange of elaborate compliments which sometimes go on for half an hour or more without break.[2] The verb *lum* in Nuer, from which *luom* is derived, is used to describe any form of courting, even casual flirtation at dances, but its use here implies a degree of formality not previously recognized, the recognition of the engagement being restricted to the young people who take part in dances together, and not including the adult members of the communities concerned.

Thiec nyal: 'Asking for the Girl'

After the *luom nyal*, which is not a serious engagement and more often than not comes to nothing, a meeting takes place known as *thiec nyal*, 'asking for the girl'. This again may lead to nothing, but it is a more formal affair than any preceding it, and for the first time the girl's parents or guardian are approached by the prospective bridegroom and possibly by some of his senior kinsmen. It amounts to an opening of negotiations between the two families, but is not binding. If the members of the girl's family are satisfied by this time that the young man is in earnest and has cattle in support of his suit—for they have probably made discreet enquiries long before this—they will ask that the first tokens of formal betrothal be paid. They hope to receive at least four head of cattle (though they may be satisfied with less) known as the *yang gwan nyal*, a cow and calf which are intended to supply the girl's father with milk, *thak deman nyal*, a bull or bull-calf for the bride's brother,[3] and a *yang kwoth*, a cow which will be dedicated to

[1] *Gwan twac* and *ngi nyal* might be translated as 'Best Man' and 'Bridesmaid' respectively, but although the part they play in this and subsequent ceremonies is similar to our conception of the functions of the Best Man and Bridesmaid, I prefer to use Nuer terms hereafter.

[2] Complimentary speeches of this sort, often full of subtle and suggestive phrases with a good deal of badinage, are spoken in a language which is almost poetic in form and not easy to understand.

[3] The *thak deman nyal*, by bringing in the interest of the brother who expects to benefit most by his sister's marriage, is in the nature of a personal guarantee, and is important. The prospective bridegroom expects this brother to further his cause with the girl's family and to keep other lovers away from her. These cattle, which are really the father's portion, are sometimes included in the bridewealth payments, sometimes not: *i.e.* a man will sometimes have to pay a further four as *thak*

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

the spirits of their lineage. The distribution of these cattle is significant. In the first place the girl's father or, if he is dead, her eldest brother or paternal uncle, must receive a guarantee in material form that the prospective bridegroom is in earnest. The ancestral spirits must be called in to bless and assure the future union, and the *yang kwoth* is dedicated to them. Finally, the bride's eldest brother, often a coeval of the bridegroom, must be placated, for it is he who expects to benefit most by her marriage, which will bring in bridewealth which he himself will use for his own marriage. If the girl's family are in agreement, a day is then fixed for the formal betrothal, in the form of a meeting when the cattle of engagement will be paid over. This is known as *cuei*, and the Nuer will say *ce cuei-de cuei*, 'he has engaged himself'.

584

Cuei: Betrothal

The *cuei* is part of the betrothal negotiations, and amounts to a more public acknowledgement by the bridegroom's family in paying, and by the bride's family in accepting, the cattle which are considered necessary for that purpose. The cattle are driven straight to the homestead of the girl's father, and there remain shut in the cattle-byre while the meeting takes place. The prospective bridegroom and his *gwan twac* are expected to observe rigidly the special restrictions on their movements in the bride's home, the signs of respect and other observances which characterize behaviour towards relatives-in-law. They are not allowed to enter any of the houses, and they must cover their nakedness with a special cat-skin known as *twac thoan*. It is for this reason that the principal assistant of the bridegroom is known as *gwan twac*, 'owner of the skin', and a husband, is usually expected to wear it in the presence of his wife's mother.[1] Beer has been brewed beforehand, and is handed round among the senior guests; dancing takes place, and a bull-calf known as *yang kwen* or *yang lum* (the 'cow of marriage' or 'of courting') is sacrificed and eaten.[2]

[592]

The adult males of the two families (with the exception of the bridegroom himself) have therefore drunk together and the kinsmen of the bridegroom have partaken of meat provided by the girl's father. The

gwan nyal (see p. 102, n. 1). It is, on the whole, unusual for a man to pay as many as four head of cattle on betrothal, especially if there is likely to be delay in the actual marriage ceremonies. If any of those cattle died while in the possession of the betrothed girl's family, the prospective bridegroom would be expected to replace them.

[1] The *thoan* or serval cat-skin is to the Nuer a mark of respect shown to a wife's relatives by any of her husband's kin, and in a sense is a symbol of marriage.

[2] The word *yang*, cow, is used here in a figurative sense, for the animal should more correctly be referred to as *ruath* (bull-calf). Nuer say that in older and better times a cow would be sacrificed, though doubtless a barren one. *Yang* means cow, and it might be supposed that a cow would be slaughtered. It may refer to a past custom when cattle were more plentiful, but nowadays the use of these terms in connexion with sacrificial animals is often elastic, and *yang*, which is certainly cow, is often used to refer to cattle of either sex.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

584

bridegroom's kinsmen have accepted hospitality and provided the cattle of betrothal to give legal stability to the pledge. This preliminary betrothal feast does not concern the rest of the local community, though many of them will turn up uninvited because of the beer and meat which are available. The formal gathering really concerns only the kinsmen of the girl and the kinsmen of the bridegroom. As in the case of negotiations for the composition of homicide, Nuer have a concise terminology for both parties. The bride's family are throughout known as the *ji nyal*, while those of the bridegroom are known as *ji wuta*. These terms mean no more than the 'girl's people' and the 'man's people', but they are used expresaly in connexion with marriage negotiations,[1] and stress the distinction between the two parties.

Sometimes girls are betrothed at a very early age, and quite often when they are ten to fifteen years old. This does not mean that they are pledged by their families without their knowledge or consent, for they are usually approached first by the man concerned and are proud to accept, for girls thus engaged appear to have an enhanced attraction for other Nuer youths. Two cows are paid, which are known as the *dau cieh*, the 'cow-calf of the ring or bracelet' (*cieh*), and a larger cow-calf called *nac pieth*, the 'heifer of up-bringing' (referring to the fact that her family will have to continue to care for her and provide her with food for a long time to come). These cattle are not included in the bridewealth, and are not usually returned if, after the marriage has gone through, there is a divorce. Early betrothals of this sort are not common and, even if made, often come to nothing. If this is the case, the *dau cieh* and the *nac pieth* will be quietly returned; they are rarely a subject for dispute in the courts because, until they are returned, it would not be seemly to start the negotiations for another engagement.

Professor Evans-Pritchard speaks of the betrothal as *larcieng* or *bul luom*.[2] It is clear that this is the same ceremony as that described above, which is sometimes known as *dour* in Lou country, and although his description gives the impression of greater formality and more elaborate ceremonial than I have encountered myself, I do not think that there is any difference in principle. The *cuei* ceremony is usually performed in the rainy season when grain is plentiful, but sometimes takes place in the dry season, in which case it is likely to be less elaborate for there will be little or no beer, and the final wedding ceremonies will have to wait until the people return to the cultivations.

[1] It is useful to know these terms for they are sufficiently concise to avoid obvious confusion in cases of litigation over marriage payments.

[2] Evans-Pritchard, 'Nuer Marriage Ceremonies', *Africa*, 1948, and *Kinship and Marriage among the Nuer*, pp. 58–74.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

kinds, and rings that she can acquire. She also bleaches her hair and wears several headbands of beads. 301

Some neighbouring young man may be the cause of all of this effort on her part.

During the fishing season the lover is neither idle nor silent in his efforts to win the regard of his bride. He may be at the same fishing camp as she is; if so, he carefully grooms his best ox, then adorns his body with all possible ornaments and, getting some one to lead his ox, they circle around the camp. He dances as he follows the ox and sings praises of his ox, himself, and his sweetheart in loud tones that may be heard for some distance. This performance may be continued for some hours, especially the singing. 584

Usually the young man knows when he is not repulsive to the girl. When he has her assurance that she loves him, his people take up the subject of the marriage price with her people. The girl's physical appearance and possibility of bearing children figure largely in the estimate of her desirability. Also her temper and ability to control it are considered. [581]

A certain day is agreed on for the marriage talk. Then all the men who are interested on the bridegroom's side assemble at the village of the bride-to-be. Places have been arranged for the relatives of the bridegroom to sit on one side of an open area, facing the relatives of the bride who are seated upon the opposite side.

A stick with both ends curved in a scroll design is carried by the speaker and twirled in the hands as he walks back and forth between the two factions and presents his arguments. He also wears a loin-cloth, often the skin of a wildcat. Sometimes it happens that each speaker is not the possessor of a loin-cloth, so a quick change is made, as one speaker concludes his speech and another prepares to take his turn.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

584 One speaker at a time presents his arguments. If a relative of the bridegroom, he must try to get the girl for the least number of cows possible and still laud the girl as if she were worth many more cattle. The statements made by the bridegroom and his relatives are worthy of more praise than they usually get.

Each speaker carries the wedding stick as he talks, twirling it in his hands as he paces up and down between his hearers and waxes eloquent over his subject.

The relatives of the bride argue that such a fine girl as she should bring a maximum number of cattle, and they may specify which cattle they want if they know something of the cattle belonging to the bridegroom and his relatives.

The arguments continue and may even be resumed another day. Finally, if terms can be fixed that are agreeable to both parties, the argument is concluded (Fig. 10). But before the final decision, the bride is called and she states whether she agrees or disagrees with the decision arrived at. If she assents the bridegroom makes plans to collect his cattle and bring them, while the girl's people prepare for the wedding dance, for much food must be prepared as well as a good amount of the drink they make from dura.

But if the bride-to-be should disagree with the decision arrived at by her family and refuse to marry the man of their choice, her lot is not likely to be a happy one until they reach some sort of agreement (see Chapter VII.)

584 593 Possibly her brother is anxiously awaiting her marriage so that the cattle received may help him out in his own wedding plans. So he will not be inclined to listen to any objections from her which may mean the postponement of his own cherished plans. He may decide to discipline his sister by means of a good beating and may repeat it if

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

the first dose does not bring the desired result in the form of her assent. Scolding is also resorted to, her lack of regard for her people being especially urged. 584 593

She may be strong enough in her determination to withstand the beating, but many girls succumb to the combined beatings and scoldings. She is then willing to send word to the groom that she assents to the family's arrangement for her future, but that assent does not imply that there is any willingness to be his wife or any love, but merely an assent to the marriage because of the persistent insistence of her family.

Sometimes, if the bride is very persistent in her objections, the bridegroom may withdraw his offer, not wanting a wife who will be so unhappy with him.

But if her objections are not too violent, the family usually depend upon scoldings and beatings to silence her, and the plans for taking her to her husband's village proceed. When she has gone to her husband's house, and if she is still persistent in her objections, he may beat her and his people may put thorny branches in front of the door, thus blockading her way of escape should she resist him. But they tell me that these cases are rare.

Many weddings take place in the dry season before the people go to the fishing camp. [585]

If the girl has jilted the man who has paid cattle for her in order to take the man of her choice, as I describe in chapter VI, the wedding dance is not held, and there is no set time for giving her the garb of the married woman. She usually does not wear the beads in her ears that are the insignia of her married status. Keeping quiet and letting the commotion they have caused subside seems to be the object. Sometimes they have the wedding dance when the child is a year or two old, but it may be dispensed with entirely. 584

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

They have a definite code, just as strict as any we may devise, but the emphasis is placed in entirely different places. 000

The Nuer does not live to himself. He is a member of his family, and his actions must be in accord with Nuer law as recognized by them. For should he trangress, he is sure to need their help. 593

Laws regarding sexual relations are decidedly lax according to our western standards. Many young men do not marry the mothers of their firstborn. Illicit relationship may exist between boys and girls. But when a girl reaches marriageable age she is usually under closer surveillance than before. 836

When a girl for whom part of the wedding price has been paid by a man whom she does not wish to marry, is dissatisfied with the arrangement made by her people because she cares for some more desirable and possibly younger man, there is only one way for her to cancel her engagement and thus free herself in order to marry the man of her choice. And this way is fraught with danger which may threaten for some time. 584

She will bear a child for the man she loves, and when her condition becomes known, her engagement to the man of her father's and brother's choice is automatically cancelled. Then for a time there is trouble. Her first lover wants his payment refunded at once. Her family want the marriage price from the man of her choice at once. Very probably he has not got it, so he takes the best way out of the situation (for him) and flees to some distant village, where he has friends or relatives, until the anger of the girl's people cools a little and they are more inclined to listen to him.

This is one of the times when he is thankful that he may depend upon his family and friends to help him out. They may or may not approve of his conduct, but they

584 make the best of it now. When the family of the girl are willing to talk the matter over, representatives of her lover's family discuss the marriage payment with them and try to agree upon a suitable price. Usually some arrangement is made, and the man makes as large an initial payment as he possibly can, following it up by other payments as he is able.

682 Everything may go all right until the baby is born. If by any chance the mother should die and her death be considered as caused by the birth of the child, the father of the child is held to have caused her death. And serious trouble is on again between the two families. If a member of her family does not kill her lover, he is fined for her death.

But if she lives and the baby lives, all is peaceful and they may live the proverbial happy life ever after.

595 Likewise, a man may have a wife whom he has married, and one or more whom he has not paid for but who are his wives in reality and the mothers of his children. He keeps a house for each, and they are often good friends with his real wife, although they are never called his wives.

Thus a man may have children by his several wives, and it is quite common to ask children of the same father if they have the same or different mothers. Or one may ask children of the same mother if they have the same father, especially if their mother is an inherited wife.

587 When a man dies his wife is inherited by his brothers or other male relatives. In case they do not want her, she may be returned to her father's village and the cattle paid back.

586 Divorce is not unknown in Nuerland, but it is usually caused by the lack of children. If a wife cannot bear a child, or fails to bring living children into the world, the

In certain respects the status
588 of an unmarried mother is inferior to that of the mother for whom bride-wealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 848 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

●584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.185.

cattle has been handed over.(1) A marriage which has reached the final rites may be regarded as a stable union. 584

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal *(larcieng)*.

When a definite agreement has been reached about bridewealth cattle, the wedding ceremony *(ngut)* is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed. 585

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the *mut* (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife sleeps in a hut at her parents' homestead and she remains with her parents until the child is weaned. The first-born child belongs to the home of his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth. 591 603 852

After the weaning, the husband builds his wife a hut in his father's homestead. She goes to live with him as a true wife in that she will now milk his cows and hoe his gardens and not those of her father. She makes a *buor*, a mud fire screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2) 591

In-Law Relationships

In-law relationships are marked by certain avoidances and displays of respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of three children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom a man need not treat with formal respect is his wife's sister. 606 607

(1) Evans-Pritchard, *Africa*, XVIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XVIII, 1948, p.40.